IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 361 OF 2006

SMT. APARNA SAPRA, MARGAO GOA. ....Petitioner

Versus

SMT. URMILA DAMODAR AJGAONKAR AND 3 ORS., ...Respondents

Mr. P.P Singh, Advocate for the petitioner.

Mr. K. Patil, Advocate for Respondent.2 and 4.

Coram:- DR. S. RADHAKRISHNAN, J.

Date:- 27th September, 2006

P.C.

Heard learned Counsels for the petitioner and respondent.

By consent of both the parties matter is taken up for final hearing. By this petition, the petitioner is challenging the order dated 10.5.2006 passed by the learned IIIrd Addl. Civil Judge Senior Division, Margao whereby the learned Judge had directly computed mesne profit without holding any inquiry as contemplated under the provisions of Code of Civil Procedure.

After hearing the parties for some time, the learned Counsel for the respondent is agreeable for setting aside the order dated 10.5.2006 passed by IIIrd Addl. Civil Judge Senior Division, Margao. Both the parties state that no reason needs to be given. The learned Counsel for the petitioner states that the petitioner has already deposited an amount of Rs.72,000/-, in this Court. The impugned order dated 10.5.2006 is set aside.

The learned IIIrd Addl. Civil Judge Senior Division, Margao is

directed to hear the application filed by the respondent for the purpose of mesne profit afresh, after holding an appropriate inquiry into the matter and also the counter claim therein as per the provisions of Code of Civil Procedure as expeditiously as possible. In view of the above, the application filed by the petitioner dated 7.7.2006, which is at page 43 to 52, also stands disposed of. Writ Petition stands disposed of accordingly.

DR. S. RADHAKRISHNAN, J.

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